

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALEX FRIEDMAN,

Plaintiff,

v.

**BARTACO ROSWELL, LLC,
a/k/a BARTACO CHASTAIN
PARK,**

Defendant.

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Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW the Plaintiff, Alex Friedman (hereinafter “Plaintiff”), and submits this Complaint against the Defendant, Bartaco Roswell, LLC, a/k/a Bartaco Chastain Park (hereinafter “Defendant”), on the grounds set forth below:

This is a civil action brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, (hereinafter FLSA).

PARTIES, JURISDICTION AND VENUE

1.

Plaintiff is a resident of the State of Georgia.

2.

Defendant is a foreign corporation, doing business in Georgia as Bartaco Roswell, LLC a/k/a Bartaco Chastain Park, with its principal office located at 3802 Roswell Road, Atlanta, Georgia 30342. Defendant may be served via its registered agent for service of process, Corporation Service Company, 40 Technology Parkway, Norcross, Georgia 30092.

3.

The jurisdiction of this Court is proper pursuant to 28 U.S.C. §§ 1331 and 1337. This Court also has jurisdiction pursuant to 29 U.S.C. § 216(b).

4.

Pursuant to 28 U.S.C. § 1391, venue is appropriate in this judicial district as the Defendant conducts business and maintains a registered agent within the Northern District of Georgia.

FACTUAL ALLEGATIONS

5.

Plaintiff, an Executive Chef, was an employee of Defendant from October of 2015 until September 15, 2016.

6.

At all times material to this Complaint, Plaintiff engaged in commerce within the meaning of 29 U.S.C. § 203(b).

7.

Defendant is an employer within the meaning of FLSA § 203(d) and is not an exempt employer under the Act.

8.

Plaintiff was a non-exempt employee of Defendant, who, during the entire term of his employment with Defendant was not paid time and a half wages for all hours he worked in excess of a forty (40) hour work week, in violation of 29 U.S.C. § 207.

9.

Plaintiff was employed by Defendant from October 2, 2015 to September 15, 2016.

10.

While employed by Defendant, Plaintiff's base salary was \$75,000.00 per year.

11.

During the entire course of his employment, Plaintiff routinely worked 13 to 14 hours per day, but Defendant failed to properly compensate Plaintiff for the excessive overtime hours he worked.

12.

Defendant is liable to Plaintiff for each and every hour of overtime he worked, i.e., approximately 27.5 hours per week for each of the 50 weeks Plaintiff was employed.

COUNT I
(Claim For Relief Under FLSA § 207)

13.

The above facts support Plaintiff's claims for relief under the FLSA.

14.

Defendant's failure to compensate Plaintiff for all time worked is in violation of § 207 of the Fair Labor Standards Act of 1938, as amended. Such violations are intentional and willful. Said violations give rise to a claim for relief under the FLSA for Plaintiff for unpaid overtime compensation, liquidated damages in an amount equal to all unpaid compensation, declaratory and injunctive relief, and reasonable attorney's fees and expenses of litigation, pursuant to 29 U.S.C. § 216.

WHEREFORE, Plaintiff respectfully prays that this Court:

- (a) Take jurisdiction of this matter;
- (b) Grant a trial by jury as to all matters properly triable to a jury;
- (c) Award to Plaintiff all unpaid overtime compensation;
- (d) Award to Plaintiff liquidated damages in an amount equal to 100% of all unpaid overtime compensation, and prejudgment interest on all amounts owed, as required by the FLSA;
- (e) Award Plaintiff his costs and expenses of litigation, including an award of reasonable attorney's fees.
- (f) Award such other further relief this Court deems just and proper.

JURY DEMAND

Plaintiff herein requests a trial by jury of all issues in this action.

Dated this 12th day of June 2017.

PANKEY & HORLOCK, LLC

By: /s/ Larry A. Pankey
Larry A. Pankey
Georgia Bar No. 560725
Attorneys for Plaintiff

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CERTIFICATION OF FONT SIZE

Pursuant to Local rule 5.1C of the Local Rules of the United States District Court for the Northern District of Georgia, I, Larry A. Pankey, Esq., of Pankey & Horlock, LLC, attorney for Plaintiff, Alex Friedman, hereby certify that the foregoing **Complaint** is typewritten in MS Word using Times New Roman font, fourteen (14) point type.

Dated this 12^h day of June 2017.

PANKEY & HORLOCK, LLC

By: /s/ Larry A. Pankey
Larry A. Pankey
Georgia Bar No. 560725
Attorneys for Plaintiff